

**REMARKS**

1. The Office Action has rejected Claim 1 under the provisions of 35 U.S.C. §102(b) as being unpatentable over U. S. Patent No. 4,728,019 (Olliges). The Office Action states that the Olliges reference discloses a roof rack apparatus having first and second side rail members that are movable between raised and lowered positions. This rejection is respectfully traversed.

Applicant has amended Claim 1 to incorporate the limitations of dependent Claim 3, which is directed to the movable front and rear transverse rail members that cooperate with the respective side rail members to form a basket when the members are raised into the respective raised basket-forming positions. Applicant respectfully submits that the Olliges references, which is a ski-holding vehicle roof rack apparatus, does not teach front and rear transverse members that are independently movable in a manner to cooperate with the side members to form a basket when raised appropriately.

For these reasons, Applicant respectfully submits that the Olliges reference cannot meet or make obvious the roof rack apparatus as specifically set forth in amended independent Claim 1. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

2. The Office Action has rejected Claims 1 and 3 under the provisions of 35 U. S. C. §103(a) as being obvious over Great Britain Patent No. 1,043,227 (Parkins). The Office Action states that the Parker reference teaches opposing side rails that are independently movable relative to one another between raised and lowered positions. The Office Action further states that it would be mere duplication to provide a second storage rack for a large vehicle which would then define four laterally disposed side rail members, each being independently movable. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendment of independent Claim 1 to incorporate the limitations of dependent Claim 3 to define a roof rack apparatus that has a pair of front and rear side rail members, a front transverse rail member extending between the front side rail members, and a rear transverse rail member extending between the rear side rail members. Each of these side, front and rear members are independently movable between

raised and lowered positions such that the members form a basket when all are raised into the basket-forming position.

Applicant respectfully submits that while Parkins teaches a pair of pivotally movable side rails members, Parkins does not teach cooperable front and rear transverse members extending between respective front and rear side rail members that are also independently movable. Accordingly, Applicant respectfully submits that the Parkins reference cannot meet or make obvious Applicant's invention as defined by amended independent Claim 1.

In view of these amendments, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

3. The Office Action has rejected Claims 1, 3 – 5, 10 and 11 under the provisions of 35 U. S. C. §103(a) as being obvious over U. S. Patent No. 4,826,387 (Audet) in view of Parkins. The Office Action states that Audet discloses first and second laterally opposed storage surface devices that are laterally movable along the side of the vehicle, while Parkins teaches that the side rail members are pivotally attached and movable between raised and collapsed positions. The Office Action further states that forming the side rails as a pair of side rails is a mere duplication of parts. With respect to Claims 3 and 4, the Office Action states that Audet teaches front and rear transverse upright members which help form a basket, the front and rear transverse members being pivotable about axis 26 (shown in Fig. 3). This rejection is respectfully traversed.

As noted above, Applicant has amended independent Claim 1 to incorporate the limitations of dependent Claim 3 to define a roof rack apparatus that has a pair of opposing front and rear side rails, a front transverse rail that extends between the corresponding front side rails, and a rear transverse rail that extends between the corresponding rear side rails. The front and rear transverse rail members are defined as being independently movable with respect to each other and with respect to the side rail members.

Applicant respectfully submits that the Audet and Parkins reference, whether taken singly or in combination cannot meet or make obvious Applicant's invention as defined by amended independent Claim 1. Audet contains no teaching whatsoever for front or rear transverse rail members that extend between the corresponding side rail members, nor front or rear transverse rail members that are movable independently of the side rail members.

Accordingly, Applicant respectfully submits that amended Claim 1 patentably distinguishes the Audet and Parkins references.

With respect to independent Claim 10, Applicant would direct the Examiner's attention to the amendments thereto to incorporate the limitations of Claim 12, which as noted below was deemed in the Office Action to contain allowable subject matter. Accordingly, Applicant respectfully requests that this amended independent claim and the claims dependent thereon be passed to allowance with the other claims remaining in this application.

For the reasons given above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

4. The Office Action has objected to Claims 6 – 9 and 12 – 16 as being dependent on rejected independent claims, and indicates that these claims would be allowable if rewritten in independent form.

In response thereto, Applicant would direct the Examiner's attention to the incorporation of Claim 12 into independent Claim 10 to place the limitations of Claim 12 into independent form, Claim 12 being canceled from the application. With respect to Claims 6 – 9, Applicant would prefer to retain these claims in their dependent form depending from amended independent Claim 1 to provide claims of varying scope. Applicant respectfully requests that these claims be passed to allowance with independent Claim 1.

For these reasons, Applicant respectfully requests that this objection be reconsidered and withdrawn.

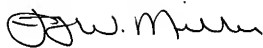
5. Applicant appreciates the allowance of Claims 18 – 20 and requests that these claims be passed to allowance with the other remaining claims in this application.

6. In response to the Examiner's response to Applicant's arguments, Applicant acknowledges that the drawings do not show the pivotal movement of the front and rear transverse rail members in a longitudinal direction. The incorporation of such a limitation into the claims was a mistake. Accordingly, Claims 4, 13 and 19 have been amended to delete the reference to the pivotal movement in a longitudinal direction.

7. In summary, Claims 1, 4, 10, 13 and 19 have been amended, Claims 3, 11 and 12 have been canceled, and Claims 1, 4 – 10, 13 – 16 and 18 – 20 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments. Applicant respectfully requests that all rejections and objections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,



Date: May 3, 2008

---

Larry W. Miller, Reg. No. 29,417  
Attorney for Applicant  
Miller Law Group, PLLC  
25 Stevens Avenue  
West Lawn, PA 19609  
Phone: 610-670-9000  
Fax: 610-670-9901